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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,953

04/19/2005

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Q87576

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EXAMINER

BIRBACH, NAOMI L

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

05/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,953	Applicant(s) HOSODA ET AL.	
	Examiner NAOMI BIRBACH	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 6-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04192005, 10202005, 02242009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, Claims 1-5 in the reply filed on February 25, 2009 is acknowledged.
2. Claims 6-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on February 25, 2009.

Information Disclosure Statement

3. The information disclosure statement filed 4/19/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "11" has been used to designate both a convex surface in Figure 2 and a heater in Figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

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amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2001-353650 to Tabata et al. (See machine translation) in view of JP S64-23224 to Murakami et al.

9. As to claim 1, Tabata discloses a scrubbing method to clean an optical component such as an optical lens form block (lens mold) (Page 2, Paragraph [0001]), where the lenses are made from plastic (Page 7, Paragraph [0026]). The method comprises a washing step of rotating the optical component while pressing an elastic polishing member against a surface of the optical component while rotating the polisher (Page 8, Paragraphs [0030]-[0032]). During this process, a liquid may be applied to wash the optical component, which is understood to be supplied to the area between the surface of the optical component and the elastic polishing member (Page 9, Paragraph [0035]; Figure 1).

10. Tabata discloses that the pressure in the elastic polishing member may be adjusted to change the shape of the polisher, so it is understood to be deformable (Page 7, Paragraph [0024]). Tabata does not expressly disclose a self-washing step of supplying a liquid to the elastic polishing member and in this condition, deforming the elastic polishing member so as to thereby wash it.

11. Murakami discloses a self-washing step of rotating a cleaning brush such as a sponge body (i.e. elastic polishing member), supplying a liquid to the cleaning member

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and in this condition deforming the cleaning member by pressing and enlarging it, in order to wash the cleaning member (Pages 3, 5; Figure 2).

12. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method taught by Tabata to include a self-washing step as taught by Murakami for the benefit of removing contamination that comes to adhere to the surface of a cleaning body during a cleaning process (Page 2). One of ordinary skill would have been motivated to add a self-washing step since a contaminated cleaning surface can reduce the cleaning effect and cause scratches on a surface to be cleaned (Page 3).

13. As to claims 2 and 3, Tabata further discloses that the liquid may be a slurry containing an abrasive dispersed in water or water (Page 9, Paragraph [0035]).

14. As to claim 4, Tabata does not expressly disclose that deforming is conducted by pressing the elastic polishing member and a rod-like member against each other during self-washing.

15. Murakami further discloses that the self-washing is conducted while deforming the cleaning member by pressing the cleaning member and a rod-like member (paired press rolls, Ref. #6a, 6b or rod-like colliding body, Ref. #8) against each other (Pages 5-6, Figure 2).

16. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the method taught by Tabata and Murakami to include pressing a rod-like member against the elastic polishing member as taught by Murakami in order to remove the dirt that is on the surface of the cleaning member (Page 5).

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17. As to claim 5, Tabata does not expressly disclose that the self-washing step and washing step are conducted alternately.

18. Murakami further discloses that the self-washing step may be performed simultaneously with a washing process (Page 6), meaning that they may also be performed separately or alternately.

19. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the method taught by Tabata and Murakami to conduct the washing step and self-washing step alternately as taught by Murakami for the benefit of preventing further contamination.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAOMI BIRBACH whose telephone number is (571)270-7367. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Kornakov can be reached on 571-272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. B./

Naomi Birbach

Examiner, Art Unit 1792

4/29/2009

/Michael Kornakov/

Supervisory Patent Examiner, Art Unit 1792